



RCE \$  
JTW

PATENT  
ATTORNEY DOCKET: 46970-5197

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Mitsuo YASUSHI et al. ) Confirmation No.: 6382  
)  
Application No.: 10/649,858 ) Group Art Unit: 3762  
)  
Filed: August 28, 2003 ) Examiner: Alyssa M. Alter  
)  
For: SYSTEM, METHOD, PROGRAM, )  
AND MEDIUM FOR MEASURING )  
HEART RATE )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop RCE**  
Alexandria, VA 22314

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

- ☒ Previously submitted:  
☒ Please consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 21, 2006. (Any unentered amendment(s) referred to above will be entered).  
☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

- ☐ Enclosed:  
☐ Supplemental Reply  
☐ Declaration Under 37 C.F.R. § 1.132  
☐ Information Disclosure Statement  
☐ PTO Form 1449  
☐ Other: \_\_\_\_\_

09/22/2006 JADD01 00000064 10649858  
01 FC:1801 790.00 0P  
02 FC:1253 900.00 0P

## 2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- ☐ Change of Correspondence Address
- ☐ Submission of Revocation of Change of Power of Attorney and Grant of New Power of Attorney

## 3. Fees Calculation

## (a) RCE Fee required under 37 C.F.R. § 1.17(e)

- ☒ \$790.00
- ☐ \$385.00 (for small entity)

## (b) Additional Claims

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	17	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	5	minus	6	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

## (c) Extension of Time

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

Total Months Requested	Fee for Extension	Fee for Small Entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input checked="" type="checkbox"/> three months	\$ 1020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

- ☒ An extension for one month has already been secured on July 21, 2006 and the fee paid therefore of \$120.00 is deducted from the total fee due for the total months of extension now requested. Accordingly, the extension of time fee due with this request is \$900.00 (\$1020 - \$120).

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Payment

- ☒ Enclosed is a check in the amount of \$1,690.00, representing payment of \$900.00 (for the difference between the three month extension of time fee of \$1020.00 and the one month extension of time fee of \$120.00 previously paid on July 21, 2006) and an RCE filing fee of \$790.00 is enclosed.
- ☐ The Commissioner is hereby authorized to charge the Deposit Account No. 50-0573 in the amount of \_\_\_\_\_.
- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



By:

Paul A. Fournier

Registration No. 41,023

Dated: September 21, 2006

**Customer No. 055694**

**DRINKER, BIDDLE & REATH LLP**

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800; Fax: (202) 842-8465